

Senate Bill No. 1388

CHAPTER 70

An act to amend Section 22508 of, and to add Section 22508.5 to, the Vehicle Code, relating to parking.

[Approved by Governor July 10, 2012. Filed with
Secretary of State July 10, 2012.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1388, DeSaulnier. Parking: parking meters.

Existing law prohibits a local authority from establishing parking meter zones and fixing the rate or fees for those zones, except by ordinance. Existing law further authorizes a local authority to, by ordinance, cause streets and highways to be marked with white lines designating parking spaces and require vehicles to park within the parking spaces.

This bill would authorize a local authority to fix a variable rate of fees for those zones, based upon criteria identified by the local authority in the ordinance, and would authorize a local authority to accept payment of parking meter fees by a mobile device. The bill also would authorize a local authority to adopt an ordinance or resolution prohibiting or restricting the parking of a vehicle at an inoperable parking meter or inoperable parking payment center, as defined. The bill would authorize parking at an inoperable parking meter for up to the posted time limit if no ordinance or resolution has been adopted to prohibit it.

The people of the State of California do enact as follows:

SECTION 1. Section 22508 of the Vehicle Code is amended to read:

22508. (a) A local authority shall not establish parking meter zones or fix the rate of fees for those zones except by ordinance. The rate of fees may be variable, based upon criteria identified by the local authority in the ordinance. An ordinance establishing a parking meter zone shall describe the area that would be included within the zone.

(b) A local authority may by ordinance cause streets and highways to be marked with white lines designating parking spaces and require vehicles to park within the parking spaces.

(c) An ordinance adopted by a local authority pursuant to this section with respect to any state highway shall not become effective until the proposed ordinance has been submitted to and approved in writing by the Department of Transportation. The proposed ordinance shall be submitted to the department only by action of the local legislative body and the proposed ordinance shall be submitted in complete draft form.

(d) An ordinance adopted pursuant to this section establishing a parking meter zone or fixing rates of fees for that zone shall be subject to local referendum processes in the same manner as if the ordinance dealt with a matter of purely local concern.

(e) A local authority may accept but shall not require payment of parking meter fees by a mobile device.

SEC. 2. Section 22508.5 is added to the Vehicle Code, to read:

22508.5. (a) Except as provided in subdivision (b), a vehicle may park, for up to the posted time limit, in any parking space that is subject to an inoperable parking meter or an inoperable parking payment center.

(b) Local authorities may, by ordinance or resolution, prohibit or restrict the parking of vehicles at inoperable parking meters or inoperable parking payment centers. No ordinance or resolution adopted by a local authority pursuant to this section shall become effective until signs or markings giving adequate notice of the restriction or prohibition on parking have been placed at parking locations, parking meters, or parking payment centers.

(c) For purposes of this section:

(1) “Inoperable parking meter” means a meter located next to and designated for an individual parking space, which has become inoperable and cannot accept payment in any form or cannot register that a payment in any form has been made.

(2) “Inoperable parking payment center” means an electronic parking meter or pay station serving one or more parking spaces that is closest to the space where a person has parked and that cannot accept payment in any form, cannot register that a payment in any form has been made, or cannot issue a receipt that is required to be displayed in a conspicuous location on or in the vehicle.